IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 436 of 2005

Between:

Gubba Ramaiah, S/o. Narasimhulu,
R/o. Main Road, Bucchireddypalem, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi, Dagadarthi Mandal,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction one more particularly in the nature of writ of Mandamus declaring the proceedings of the 3rd respondent dt. 2.9.2004 in Rc.No.B-117/2004 and dt. 2.9.2004 in Rc.No.B-117/2004 invoking he provisions of A.P. Assigned Lands (Prohibition of Transfer of Assigned lands) Act of 1977 on printed proforma duly filling up some of the blanks with out considering the explanation of the petitioner in respect of Ac.1-98 cents in Sy.No.746-5, 49 cents in Sy.No.746-7, Ac.1-98 cents in Sy.No.746-8, 50 cents in Sy.No.746-6 situated in Chennuru of Dagadarthi Mandal, Nellore District as illegal, arbitrary, unjust and in violation of Articles 14 and 21 of Constitution of India and without authority and jurisdiction under the provisions of A.P. Act 9 of 1977 and consequently to set aside the above said proceedings and pass such other orders and further reliefs as this Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue, and with their consent, the Writ Petition itself is disposed of at the stage of admission.

In this writ petition, the petitioner is challenging the impugned orders dated 02.09.2004 passed by the 3rd respondent-Mandal Revenue Officer in exercise of the powers under the Provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') in respect of Ac.1.98 cents in Sy.No.746-5, Ac.0.49 cents in Sy.No.746-7, Ac.1.98 cents in Sy.No.746-8 and Ac.0.50 cents in Sy.No.746-6 of Chennur village, standing in the name of the petitioner. It is submitted that against the orders passed by the 3rd respondent-Mandal Revenue Officer, the petitioner already preferred appeal on 05.01.2005 under Section 4 of the Act, and also filed petition to suspend the orders of the 3rd respondent-Mandal Revenue Officer, which are pending on the file of the 2nd respondent-Revenue Divisional Officer. Assailing the action of the 2nd respondent-Revenue Divisional Officer, in not entertaining and disposing of the appeal, the petitioner filed this writ petition.

In the circumstances, the Writ Petition is disposed of at the stage of admission directing the 2nd respondent-Revenue Divisional Officer to consider the appeal and the suspension petition said to have been filed by the petitioner and pass appropriate orders either on the suspension petition or on the appeal in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

ASSISTANT REGISTRAR

Dated: 20.01.2005

Dsr/nsr

To:

1. The District Collector, Nellore,

Nellore District

2. The Revenue Divisional Officer,

Kavali, Nellore District

3. The Mandal Revenue Officer,

Dagadarthi, Dagadarthi Mandal,

Nellore District

4. Two CCs to the Government Pleader

for revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies